

REMARKS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion, is respectfully requested.

This amendment is submitted in accordance with 37 C.F.R. § 1.116, which after final rejection permits the entry of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action or presenting rejected claims in better form for consideration on appeal. It is believed that the present amendments place this application in condition for allowance without requiring any further search and/or consideration. Therefore, it is respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

Claims 13-26 are pending. Claims 13 and 21-26 are amended to address potential informalities and to further clarify the features contained therein. No new matter is introduced.¹

In the outstanding Office Action, Claim 25 was objected to; and Claims 13-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cromer (U.S. Patent Application Publication No. 2002/0159611) in view of Freeman (U.S. Patent No. 6,970,568) and Cohen (U.S. Patent Application Publication No. 2003/0031333).

Initially, Claim 25 is amended hereby to address the informality identified in the outstanding Office Action. Therefore, it is respectfully requested that the objection to Claim 25 be withdrawn.

In reply, Claim 13 is amended to recite, *inter alia*, an audio system providing dynamic sound field adaptation to follow a listener position, where the audio system includes means for real-time tracking of positions of the personal devices to produce a current position of each personal device.

¹ Non-limiting support for the amended claims may be found at least at paragraph [0040] of the pre-grant publication of this application.

Thus, Claim 13 as amended defines a system that can track personal devices in real-time to continuously monitor the position of those devices and adjust the sweet spot of the sound field accordingly. It is believed that no reference cited suggests or discloses this feature.

The primary reference, Cromer, describes a re-configurable multi-dimension sound system (10) that includes a plurality of speakers (20A-20E) coupled to a receiver (18), which is controlled by a remote control (16).² In operation, Cromer describes that the system is reconfigured when a user (12) presses the configuration button (14) on the remote control (16) to optimize speaker delay for the user's location.³ The remote control (16) can communicate with the multi-dimension sound system (10) using either low-frequency sound waves or radio frequency waves.⁴ After the sound system is calibrated, the user (12) may change location and re-calibrate the system by pressing the configuration button (14) on the remote control (16).⁵

However, Cromer does not describe that the system (10) or any component thereof tracks the position of the remote control (16) or the user (12) in real time. Instead, Cromer clearly describes that a button (14) on the remote control (16) must be pressed so that the system can determine the remote control's (16) position.⁶ In other words, Cromer describes that the system is unable to locate the user until the configuration button (14) is pressed on the remote control (16). Therefore, the system in Cromer could not possibly track the remote control (16) in real time as the user moves about a room simply because the system (10) of Cromer is not aware of the remote control (16) until the configuration button (14) is pressed. Conversely, amended Claim 1 recites means for real-time tracking of positions of the

² Cromer at paragraph [0011]; see also Figure 1.

³ Cromer at paragraph [0014]; see also Figure 2.

⁴ Cromer at paragraph [0019].

⁵ Cromer at paragraph [0024].

⁶ Cromer at paragraph [0014].

personal devices to produce a current position of each personal device. Therefore, Cromer fails to disclose the claimed means for real-time tracking as recited in amended Claim 13.

Further, though the Examiner combines Cromer with Freeman and Cohen, such a combination fails to describe every feature recited in amended Claim 13.

For example, Freeman generally describes a system for measuring the delay time for a stimulus signal applied to an electro-acoustic system (2) to be detected at a measurement point.⁷ The system then calculates a distance between a transducer (6) that emitted the audio signal to the measurement point.⁸ Thus, even if, assuming *arguendo*, the system described in Freeman were used to measure delay times from multiple transducers (6), the system would only be able to determine how far away each transducer (6) is from the point of measurement, but not the relative location of one transducer (6) to another. In other words, the system in Freeman only measures the relative location of a transducer (6) to a point of measurement. Therefore, Freeman does not disclose the claimed means for determining for which it was cited. Freeman also fails to disclose the claimed means for real-time tracking and therefore does not cure the above-noted deficiency in Cromer.

Cohen was cited as allegedly including general descriptions of a sweet spot, but does not describe the claimed means for determining or the claimed means for real-time tracking and therefore does not cure the above-noted deficiencies in Cromer and Freeman.

Accordingly, no combination of Cromer, Freeman and Cohen describe every feature recited in amended Claim 13, and amended Claim 13 is believed to be in condition for allowance together with any claims depending therefrom.

Further, as Claim 26 recites features substantially similar to those recited in amended Claim 13, Claim 26 is believed to be in condition for allowance for substantially similar

⁷ Freeman at column 3, lines 49-61; see also Figure 1.

⁸ Id.

reasons. Accordingly, it is respectfully requested that the rejection of Claims 13-26 under 35 U.S.C. § 103(a) be withdrawn.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 13-26 is earnestly solicited.

Should, however, the above distinctions be found unpersuasive, Applicants respectfully request that the Examiner provide an explanation via Advisory Action under M.P.E.P. § 714.13 specifically rebutting the points raised herein.

Respectfully submitted,

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